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The minor errors of fact are few, the most glaring being the statement that Jefferson entered William and Mary College in 1670 (p. 254). This mistake is evidently from a typographical cause, the proper date being 1760. Also the know-nothing party, founded in 1852, was in existence longer than four years (p. 286 note), as it was a vital force in several states (*vide* Maryland) as late as 1859-60.

In conclusion, the book although well-written and worthy of popular interest is hardly calculated to excite the attention of the more serious student.

WILLIAM STARR MYERS.

*Chinese Immigration.* By MARY ROBERTS COOLIDGE. (New York: Henry Holt and Company. 1909. Pp. 531.)

This volume is a vigorous, not to say vehement, presentation of the case against the established policy of the United States, to exclude the Chinese from permanent settlement. In so far as the book brings together in convenient form references to, and abstracts of, the debates in congress, on the stump and in the newspapers, and an outline of some of the most striking incidents connected with Chinese immigration, it has value. But it is far from being an authoritative treatment of the subject.

In the first place the tone of the book is not at all judicial. The generous fervor of the author often lures her into decided lapses from good taste, as for instance on p. 84, where an ironical "Honorable" is prefixed to the name of Creed Haymond. Surely the father of the code system of California, whatever one may think of his political wisdom, deserves more serious mention. A peculiar obsession of the author leads her to ascribe all the wrongs done to the Chinese to the evil practices of "other foreigners," and more specifically the Irish. It is quite true that Dennis Kearney, and some other leaders of the mob, both on the street and in legislature halls, were of Irish birth or descent. But does the author really believe, as she implies on p. 58 and elsewhere, that the Germans, the most numerous foreign element next to the Irish, followed the leadership of the "chivalry faction" of the democrats? As a matter of fact the Germans, in all parts of the country, even the South itself, were strongly opposed to slavery, and nowhere allied themselves with the southern wing of the democracy.

As to the nationality of the mobs which have occasionally outraged

Chinamen, just as they have sometimes outraged Irishmen, or negroes, or "scabs," it is safe to say that the Irish and other foreigners were well represented in these lawless gatherings. Riots are usually committed by the poorer and less educated members of a community, and of course many immigrants are poor and meagerly educated. But the turbulence which has so often manifested itself in the West is not principally due to foreigners. These are merely following the example of native Americans belonging to the class the author calls the "Pikers," using a slang term well known on the coast. This is an element analogous to the "poor whites" of the Southern States. It is largely recruited from the unsuccessful residue of the old frontiersmen and their descendents. Densely ignorant, far more so than the majority of foreign immigrants; averse to sustained industry, although, like the savages, capable of strenuous spurts of energy; unprogressive; lawless through ignorance rather than viciousness, these people constitute a well-known element throughout the West. To such men must be ascribed most of the actual ill-treatment of Chinamen, just as it is their congeners in the South who ill-treat the negroes.

Mrs. Coolidge makes much of the ignorance displayed in the ordinary anti-Chinese argument, such as it used to be made in the days of the sand-lot haranguers, and is still heard occasionally. She holds up to scorn the popular misconceptions about the prevalence of peonage among the Chinese laborers, the amount of vice and crime in their ranks, and the excessively low standard of living. All this is well enough, but unfortunately she too often merely meets assertion by counter-assertion. If she had enlightened the reader in some detail on such matters as the true nature and function of the tong, the extent of the jurisdiction assumed by the Six Companies; the high-binder exploits, and similar matters, she would have gained more ready belief in the innocence or comparative harmlessness of these somewhat mysterious institutions. Is it quite true that the arbitration courts maintained by the Six Companies never become in practice criminal tribunals? Are the tongs mere labor unions, and the hatchet men nothing but ordinary criminals? Then why is it necessary to summon the consul-general and the most influential men in the colony to make peace when ever two tongs fall out and the hatchet men appear on the scene? These and similar questions one would like to see treated far more thoroughly.

Mrs. Coolidge shows a tendency to slur over the facts, whenever she touches upon the seamy side of Chinese life in this country. Thus she

is quite right in denouncing the excessive zeal with which minor immigration officials have enforced the exclusion rules. But why should the extenuating circumstances not be stated clearly, and in detail, that it is often very difficult to discriminate between an ordinary laborer and a person claiming to be a merchant because he owns a small share in some cooperative or rather communistic organization? Such a person may be a merchant according to Chinese usage, but not according to American understanding of the term.

This suggests the true reason on which the exclusion of the Chinese can be justified—a justification which will not be overcome by vague declamations about the universal brotherhood of man, nor about the particular excellence of the Chinese brother. We may grant that the Chinese have attained as high a civilization as ourselves, that they are as moral, as intelligent as we are. Still, though they may be equal to us, they are not alike. Their conceptions of the family, the state, the relation of both to economic affairs, the quality of their emotional life, their inmost beliefs regarding life and death and the ultimate destiny of mankind, are fundamentally different from ours. It is conceivable that the Chinese, if they were allowed to settle in this country in large numbers, would in the course of a generation or two become superficially Americanized. They would speak English, cut off their queues and wear American clothes. But they could not change in many centuries their fundamental attitude toward life, inherited from more than a hundred generations. If they took part in politics, it would be from the standpoint of the clan, the village community, and the communistically organized family. They might be converted to Christianity, but it would be a new form of Oriental religion, not Christianity as we know it. Briefly, though naturalized and firmly established in the country, they would remain an alien community, having none but outward relations with their white fellow-citizens. This is the radical difference between Chinese immigrants and those from any European country—including even the elements most diverse from the original Germano-Celtic stock, such as the Russian Hebrews and the Southern Slavs. All these have fundamentally the same inherited instincts, conceptions and traditions, the same emotional nature, the same underlying philosophy of life. The instincts of the American people have recognized this difference between them and Eastern Asiatics, even if some very learned persons have not. It is not the first time in history that the unlearned were wiser than their teachers.

The author, as would be expected in any pro-Chinese argument,

makes much of the economic loss which the Pacific Coast states have suffered from refusal to avail themselves of the cheap and abundant labor they could obtain in China. The economic gain would cost too high a price if it involved the introduction of a large and permanently alien element into our national life. But as a matter of fact, the gain would be such only from the standpoint of capitalistic exploitation. If the scarcity of labor, as is now becoming probable, shall help to break up the large agricultural holdings which have been the curse of California, it certainly will prove a blessing.

The tables accompanying the text have been rather carelessly prepared. In several of them there are confusing errors in the figures; it is not apparent why the percentages are left out in many places on p. 503; and the type on p. 504 must have been set by the youngest apprentice.

ERNEST BRUNCKEN.

*The Conflict over Judicial Powers in the United States to 1870.*

By CHARLES GROVE HAINES. Columbia University Studies in History, Economics and Public Law. (New York: Longmans, Green and Company. 1909. Pp. 180.)

The author of this monograph aims to give a history of the struggle for supremacy of the federal judiciary on the one hand and the federal or state executive or legislature on the other. He carries the subject down to 1870, which is well chosen as marking the division between the old period of slavery and states rights and the new period of industrial development. The discussion includes as its most important topic an account of the development of the theory and practice of the federal courts in the determination of the constitutionality of federal and state laws.

Beginning with the English theory of legislative supremacy the work first discusses the causes operating toward the dominance of the judiciary in America. While the constitution was silent upon this question yet the general opinion seems to have been favorable to the right of the courts to set aside the act of the legislature if contrary to the constitution. This opinion and the recognition of such a judicial power by the twenty-fifth section of the judiciary act of 1789 foreshadowed the decision in *Marbury against Madison*.

Following the establishment by this case of the theory of judicial supremacy the book outlines the extension of the power of the federal